

Gautier Planning Commission

Regular Meeting Agenda

May 2, 2019

Text Change

UDO Amendment

VII. NEW BUSINESS

A. REQUEST TO AMEND THE UDO TO REFLECT A TEXT CHANGE TO 4.18.1 VARIANCE **AND** ADD SECTION 12.18.4 TO ARTICLE XII SIGN (CITY INITIATED) (GPC #19-10-UDO)

CITY OF GAUTIER STAFF REPORT

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director & Ramona Morgan, Planning Technician

Date: April 16, 2019

Subject: Consideration of an Amendment to Section 4.18.1 of the Unified Development Ordinance and the addition of 12.18.4 (City Initiated) GPC #19-10-UDO

REQUEST:

The City Council has directed Planning Department Staff to draft an amendment to the Unified Development Ordinance (UDO) pursuant to Section 4.18.1, to reflect a text change that would allow commercial properties to reapply for a Variance even if a Variance has previously been denied within the past twelve (12) months by City Council.

The City Council has also directed the Planning Department Staff to draft changes to the UDO Sign Ordinance to allow an increase to the square footage of commercial signage within the Corridor Overlay District.

BACKGROUND:

The Unified Development Ordinance currently states that to initiate and apply for a Variance the property owner or owner agent can apply provided that said property has not been denied a Variance in the past twelve (12) months. City Council has directed Staff to amend the UDO to reflect that a past denial does not apply to commercial properties.

The Unified Development Ordinance states that Signs in Commercial Districts adhere to the sizes that are specified in the UDO in Section 12.8.1 and 12.8.2. City Council feels that some of the sizes may be too stringent and would like to consider changes to the current UDO to reflect that certain Commercial properties are allowed additional square footage to their signage.

DISCUSSION:

The City of Gautier's Unified Development Ordinance currently states: A request for a Variance may be initiated by the property owner or agent of the owner provided that said property has not been denied a previous request for a Variance for the same property or portion of property within the past twelve (12) months. City Council requests that the UDO Section 4.18.1 reflect the following changes: **A request for a Variance may be initiated by the property owner or agent of the owner. Owners of residential properties shall not be permitted to apply if they have been denied a previous request for a Variance for the same property or portion of property within the past twelve (12) months.**

The Planning Department proposes to add Section 12.18.4 to the UDO stating: **On-Site Signs located within the Corridor Overlay District shall be permitted an additional twenty (20) percent square footage above that typically allowed in the underlying zone or district. Such signs must comply with all other requirements of this ordinance.**

STAFF FINDINGS:

Staff finds that City Council's request for amendments of the UDO, including a text change for a Variance in Section 4.18.1, and the addition of Section 12.18.4 allowing signs that are in the Corridor Overlay District to increase in square feet by up to twenty (20) percent, are relevant amendments which coincide with needs of the business district.

RECOMMENDATIONS:

Staff recommends that Planning Commission recommend the approval of the UDO text changes as presented.

Planning Commission may:

1. Recommend that City Council approve the UDO Amendment;
2. Recommend that City Council approve the UDO Amendment with changes; or
3. Recommend that City Council deny the UDO Amendment.

ATTACHMENTS:

1. UDO Excerpts with proposed changes

12.18.3 District Off-Site Sign Requirements

- A.** Appearance and Materials – Within the sign overlay district, the Off-Site Sign Marquee must incorporate a minimum of two (2) architectural elements from the official Gautier entrance signs, park entrance signs, directional signs, and/or town center gateway signs. Namely, these architectural elements include: stone, brick, black aluminum, pitched copper roof type cover, copper metal backing, square wooden columns, fluted columns, natural roughhewn wood with routed lettering, or some other detail keeping with the theme “Nature’s Playground” and the historic fishing village feel. In addition, the marquee may incorporate the City’s crane (bird) insignia or Nature’s Playground logo/theme.
- B.** Sign Size Limitations
 - 1. Single Off-Site Marquees shall be limited to the same size requirements as a regular business sign.
 - 2. Shared Off-Site Marquees shall be limited to the same size requirements as a regular business sign per businesses listed on the marquee.
- C.** Height Limitations
 - 1. Single Off-Site Marquees shall be limited to the same height requirements as a regular business sign.
 - 2. Shared Off-Site Marquees shall be limited to the same height requirements as a regular business sign for two (2) businesses listed on the marquee. Five (5) additional feet may be added to the maximum height of the sign per every two (2) additional businesses listed on the marquee.

12.18.4 On-Site Signs within the Corridor Overlay District

- A.** On-Site Signs located within the Corridor Overlay District shall be permitted an additional twenty (20) percent square footage above that typically allowed in the underlying zone or district. Such signs must comply with all other requirements of this ordinance.

SECTION 4.18: Variance

In certain circumstances, a Variance from the dimensional requirements (i.e. height, setbacks, square footage) of this Ordinance may be granted if the applicant can prove that because of physical constraints of the property involved, he is not able to build the same type of structure that other persons with the same zoning classification can build. Variances for uses permitted will not be considered in as much as "use Variances" are not legal in the State of Mississippi.

Most Variances must be granted by the City Council; however, certain minor Variances may be granted by the Planning Director in accordance with *Section 4.18.3* below.

4.18.1 Who May Initiate

A request for a Variance may be initiated by the property owner or agent of the owner. Owners of residential properties shall not be permitted to apply if they have been denied a previous request for a Variance for the same property or portion of property within the past twelve (12) months.

4.18.2 Application for Variance

Applications for a Variance (from dimensional requirements) may be filed on the appropriate application available from the Planning Department and shall include all requested information, attachments and submittals:

4.18.3 Administrative Variances

The following dimensional variances may be granted by the Planning Director at his/her discretion (Note: Within the COR, Corridor Overlay District, applicants shall be required to mitigate a requested dimensional variance in accordance with the Tier Land Use Provisions in Section 5.11):

- A. 30% of required off-street parking spaces and/or
- B. 30% of required setbacks from property lines

4.18.4 Criteria for Approval

The Variance application shall demonstrate the following:

- A. That special conditions and circumstances exist which are peculiar to this particular site (lot or parcel), structure or building involved and which are not applicable to other sites (lots or parcels) or structures or buildings in the same district;
- B. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the provisions of this Ordinance;
- C. That the special conditions and circumstances do not result from actions of the applicant; and

That granting the Variance requested will not confer upon the applicant any special privilege that is denied by this Ordinance to other similar sites (lots or parcels) structures or buildings in the same district

Gautier Planning Commission

Regular Meeting Agenda

May 2, 2019

GPC #19-07-CU

Brian Ladnier A&B Towing

3601 Highway 90 Conditional Use Major

VII. NEW BUSINESS

1. Brian Ladnier A&B Towing – 3601 Highway 90 – Request for a Conditional Use Major that would allow a Wrecker Towing Service in a C-3 Highway Commercial Zoning District. (GPC CASE #19-07-CU)

GAUTIER PUBLIC HEARING PROCESS (PLANNING COMMISSION)

Planning Commission Chairman to follow procedure below. All questions/comments to be directed to the Council and not to applicant, staff, or other attendees of the meeting.

1. Chairman announces the case.
2. Chairman makes statement, "This is a Public Hearing and all statements to be made need to be true and accurate for the record."
3. Staff gives brief overview of case.
4. Applicant presents their case.
5. Anyone to speak in support of the Request? Please state your name and address for the record.
6. Anyone to speak in opposition of the Request? Please state your name and address for the record.
7. Any final comments from the applicant?
8. Questions from Commission?
9. Chairman closes public hearing – "This closes the Public Hearing portion of this case" bang of gavel
10. Motion/Deliberation/Vote

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Ramona Morgan, Planning Technician

Date: May 2, 2019

Subject: Conditional Use-Major Permit for a Wrecker Towing Service in a C-3 Highway Commercial Zoning District. (GPC Case No. 19-07-CU)

REQUEST:

Planning Department has received a request from Brian Ladnier for a Conditional Use-Major Permit that would allow a Wrecker Towing Service in a C-3, Highway Commercial Zone at 3601 HWY 90, PID #82434021.000. The application fee of \$250 was paid on March 14, 2019. All public notice requirements have been met.

BACKGROUND:

The request property is zoned C-3 Highway Commercial

1. Location: 3601 HWY 90 (See Exhibit A)
2. General features of the proposed project:
Site Size: 1 Acre behind F&H Trucking
3. Potable Water and Wastewater Services: Available from City
4. Existing Zoning - C-3 Highway Commercial (See Exhibit B)
5. Existing Land Use –Commercial Trucking Company (See Exhibit C)
6. Comprehensive Plan Future Land Use Designation – High Impact Commercial. (See Exhibit D)

DISCUSSION:

The following addresses the review criteria for a Major Conditional Use outlined in Section 4.17.5 of the UDO.

1. Is the proposed use listed in the list of possible Conditional Uses in the particular Zoning District?

Applicant: Yes, it is a possible Conditional Use in this district.

Staff Finding: Yes, Wrecker Towing Service is listed as a Conditional Use-Major in a Highway Commercial C-3 Zoning District.

2. Describe how the project is compatible with the character of development in the vicinity relative to (a) density, bulk and intensity of structures, (b) parking, and (c) other uses. Please attach parking plan, site plan, architectural rendering or other plans.

Applicant Response: Yes, because the trucking company is existing and in full operation.

Staff Finding: The proposed use is commercial and the area is zoned Highway Commercial. The proposed tow yard will be behind the F&H Trucking building, which has fencing to screen the vehicles from sight.

3. Will your project negatively affect neighboring property values or pose a real or perceived threat to citizens? Explain.

Applicant Response: No, the vehicles will be located on the back of F&H property and not visible from the road.

Staff Finding: There is no evidence to indicate the proposed use will negatively affect the property values, or cause a detriment to the surrounding properties. All of the surrounding parcels are zoned Highway Commercial or Industrial.

4. Will your project adversely affect vehicular or pedestrian traffic in the vicinity? Explain.

Applicant Response: No.

Staff Finding: There is no evidence that the proposed commercial use will have any adverse effect on vehicular or pedestrian traffic.

5. Can the proposed use be accommodated by existing or proposed public services and facilities including, but not limited to, water, sanitary sewer, streets, drainage, police and fire protection, and schools?

Applicant Response: N/A

Staff Finding: The proposed use can be accommodated by existing public services and facilities.

6. Is the proposed use in harmony with the Comprehensive Plan? Explain how.

Applicant: Yes.

Staff Response: Yes, the Comprehensive plan proposes High Impact Commercial in this area.

7. Does the proposed use pose a hazardous, detrimental, or disturbing affect, either real or perceived, to present surrounding land uses due to noises, glare, smoke, dust, odor, fumes, water pollution, vibration, electrical interference, or other nuisances? Explain.

Applicant Response: No.

Staff Finding: There is no evidence that the proposed use poses a hazardous, detrimental or disturbing affect to present surrounding uses.

8. Does the use conform to all district regulations for the applicable district in which it is located, or have other provisions been provided for? Explain.

Applicant Response: Yes.

Staff Finding: The proposed use will conform to district regulations.

DETERMINATION OF APPLICABLE LAW:

1. The UDO defines conditional uses as specific uses which are enumerated in each zoning district and which because of their nature are not allowed by right but may be allowed after the required review process. The City may specify certain conditions as necessary to make the use compatible with other uses in the same district. Conditional uses are issued for uses of land and uses designated "Conditional Uses-Major" are transferable from one (1) owner of land to another.

The UDO further defines Conditional Uses-Major as uses that are not allowed by right but require a recommendation by the Planning Commission and the approval of the City Council. Additionally, if the conditional use is transferred to a new owner,

- the new owner must submit a letter to the Planning Director agreeing to the current terms and condition.
2. Conditional Uses-Major requires a public hearing before the Planning Commission and approval by the City Council (Section 4.14 of the UDO).

RECOMMENDATION & CONCLUSION:

Staff finds that the proposed use will be compatible and harmonious with the Highway Commercial Zoning District and recommends approval with no specific proposed conditions.

The Planning Commission may:

1. Recommend that City Council approve the Conditional Use-Major
2. Recommend that City Council approve the Conditional Use-Major with changes; or
3. Recommend that City Council deny the Conditional Use-Major.

ATTACHMENTS:

1. Applicant's Exhibit 1 – Application
2. City's Exhibit A – Location Map
3. City's Exhibit B – Existing Zoning Map
4. City's Exhibit C – Existing Land Use Map
5. City's Exhibit D – Future Land Use Map

GAUTIER, MISSISSIPPI
ECONOMIC DEVELOPMENT/PLANNING DEPARTMENT
CONDITIONAL USE APPLICATION

Public Hearing Number
19-07-CU

<u>TO BE HEARD BY GAUTIER PLANNING COMMISSION:</u>	<u>FEE:</u>
Conditional Use - Major _____	\$250.00
<u>TO BE HEARD BY ECONOMIC DEVELOPMENT/PLANNING DIRECTOR:</u>	
Conditional Use - Minor _____	\$250.00

Name of Applicant: Brian Ladnier CU1. 228 888 8282-2768
Name of Business: A & B Towing Phone: 228 826-1966
Property Address: 3601 Hwy 90 Mailing Address (if Different): 13606 Seaman Rd
Gautier, MS 39553 Vance, MS 39553
E-Mail Address: ABTowing09@gmail.com
Proposed Use Requiring Conditional Use: Storage (Refer to Article V, UDO)
Proposed Location is: ☐ New Build ☒ Existing (with no modifications) ☐ Existing (with proposed modifications)

ATTACHMENTS REQUIRED AS APPLICABLE:

- _____ 1. Answers to the Criteria for Approval (see attached).
- ✓ 2. Project Narrative (see attached).
- ✓ 4. Diagram of intended use (see attached).
- N/A 4. Copy of protective covenants or deed restrictions, if any.
- N/A 5. Copies of approvals, or requests for approval, from other agencies, such as, but not limited to, the Mississippi State Department of Health, U.S. Army Corp of Engineers, Mississippi Department of Environmental Quality and Department of Marine Resources.
- N/A 6. Any other information requested by the Economic Development/Planning Director and/or members of the Technical Review Committee.
- _____ 7. Owner's Consent form, if anyone other than 100% sole owner makes application (see attached).

Signature of Applicant(s): Brian Ladnier Date of Application: 3/12/18

FOR OFFICE USE ONLY	
Date Received <u>3/14/19</u>	Verify as Complete <u>RM</u>
Fee Amount Received <u>250.00</u>	Initials of Employee Receiving Application <u>RM</u>

CONDITIONAL USE CRITERIA FOR APPROVAL - Complete either the Major Conditional Use section or Minor Conditional Use Section below. If more room is needed, answers can be provided on a separate sheet of paper.

MAJOR CONDITIONAL USE CRITERIA FOR APPROVAL

1. Is the proposed use listed in the list of possible Conditional Uses in the particular Zoning District?
yes
2. Please describe how the project is compatible with the character of development in the vicinity relative to (a) density, bulk and intensity of structures, (b) parking, and (c) other uses. Please attach parking plan, site plan, architectural rendering or other plans. *yes because trucking*
3. Will your project negatively affect neighboring property values or pose a real or perceived threat to citizens? Explain. *Company already exist*
NO. The vehicles will be located on the back of F&H Property and not visible from the road.
4. Will your project adversely affect vehicular or pedestrian traffic in the vicinity? Explain.
NO
5. Can the proposed use be accommodated by existing or proposed public services and facilities including, but not limited to, water, sanitary sewer, streets, drainage, police and fire protection, and schools? *N/A*
6. Is the proposed use in harmony with the Comprehensive Plan? Explain how. *yes*
7. Does the proposed use pose a hazardous, detrimental, or disturbing affect, either real or perceived, to present surrounding land uses due to noises, glare, smoke, dust, odor, fumes, water pollution, vibration, electrical interference, or other nuisances? Explain. *NO*
8. Does the use conform to all district regulations for the applicable district in which it is located, or have other provisions been provided for? Explain. *yes*

MINOR CONDITIONAL USE CRITERIA FOR APPROVAL

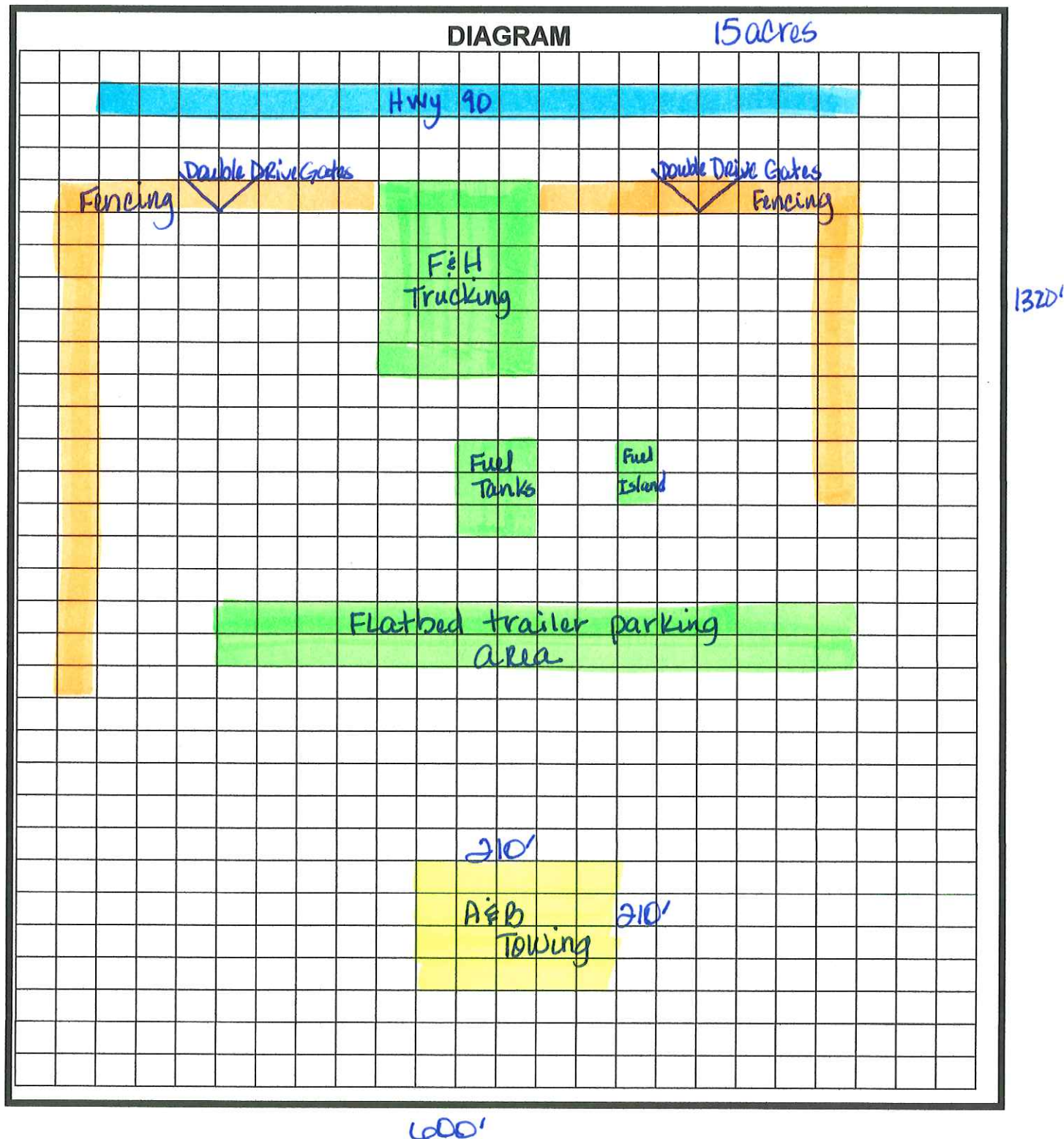
1. Is the proposed use substantially compatible with other uses in the area, including factors relating to the nature of its location, operation, building design, site design, traffic characteristics, and environmental impacts? Explain.
2. Will the proposed use be materially detrimental to the health, safety, and general welfare of the public or otherwise injurious to the environment or to the property or improvements within the area? Explain.
3. Is the proposed use consistent with the Comprehensive Plan? Explain how.
4. Is the proposed use in conformance with specific site location, development, and operation standards as required by this Ordinance? Explain.

CONDITIONAL USE NARRATIVE — Describe the proposed project in detail. Include all types of business activities that will be conducted on-site, any out-door storage or seating proposed, anticipated traffic, access for pick-up/delivery vehicles, proposed improvements, etc. Use the space below or provide a separate type written sheet of paper and attach. Staff will provide guidance as needed on additional information needed in the narrative.

NARRATIVE

A & B Towing will be renting 1 acre (210' x 210') in the back property located at 3601 Hwy 90. This property is the location of Fand H Trucking, LLC. I will be bringing towed vehicles from pickups made for the City of Gautier. The vehicles will be stored until picked up by insurance companies or the owners. If the vehicles are not picked up in a reasonable amount of time I will be moving them to my facility located in Vancleave, MS.

CONDITIONAL USE DIAGRAM – Provide a diagram of the project site. In cases where certain requirements such as parking are triggered by aspects of the interior of the building, the interior building layout will need to be provided also. Include location and dimensions of property lines, buildings, parking spaces, outdoor storage areas, outdoor seating areas, signage, landscape areas, driveways, loading/unloading areas, limits of paving, exterior elevations (if changes are proposed), entrance/exit locations. Include the whole site. Use the space below or provide separate drawings. Staff will provide guidance as needed on additional information needed on the diagram.



I, Lewis Faulk, the fee simple owner(s) of the following described property:

Address:	<u>3601 Hwy 90</u>
	<u>Gautier MS 39553</u>
Parcel ID No.:	<u>82434021.000</u>

hereby petition to the City of Gautier to *Grant a Conditional Use Major or Minor of* 3601 Hwy 90 Gautier MS (state proposed use from Article V of the Unified Development Ordinance) at the above reference property and affirm that Fand H Trucking & A/B Dowing (name of agent) is hereby designated to act as agent on my behalf to accomplish the above.

I certify that I have examined the application and that all statements and diagrams submitted are true and accurate to the best of my knowledge. Further, I understand this application; attachments and fees become part of the official records of the City of Gautier, MS, and are not returnable.

Lewis Faulk
(Owner's Signature)

(Owner's Signature)

Notary Information:

The foregoing instrument was acknowledged before me this 12th day of March, 2019 by Lewis Faulk, who is personally known to me or has produced Driver License as identification and who did take an oath.

Paula Denise Miller
(Printed Name of Notary Public)

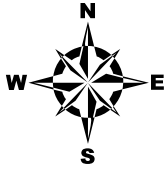
Paula D Miller
(Signature of Notary Public)

Commission # 82427. My commission expires 8/27/22.



Exhibit A Location Map

City Of Gautier
Planning Department



Prepared by the
City of Gautier
Planning Department

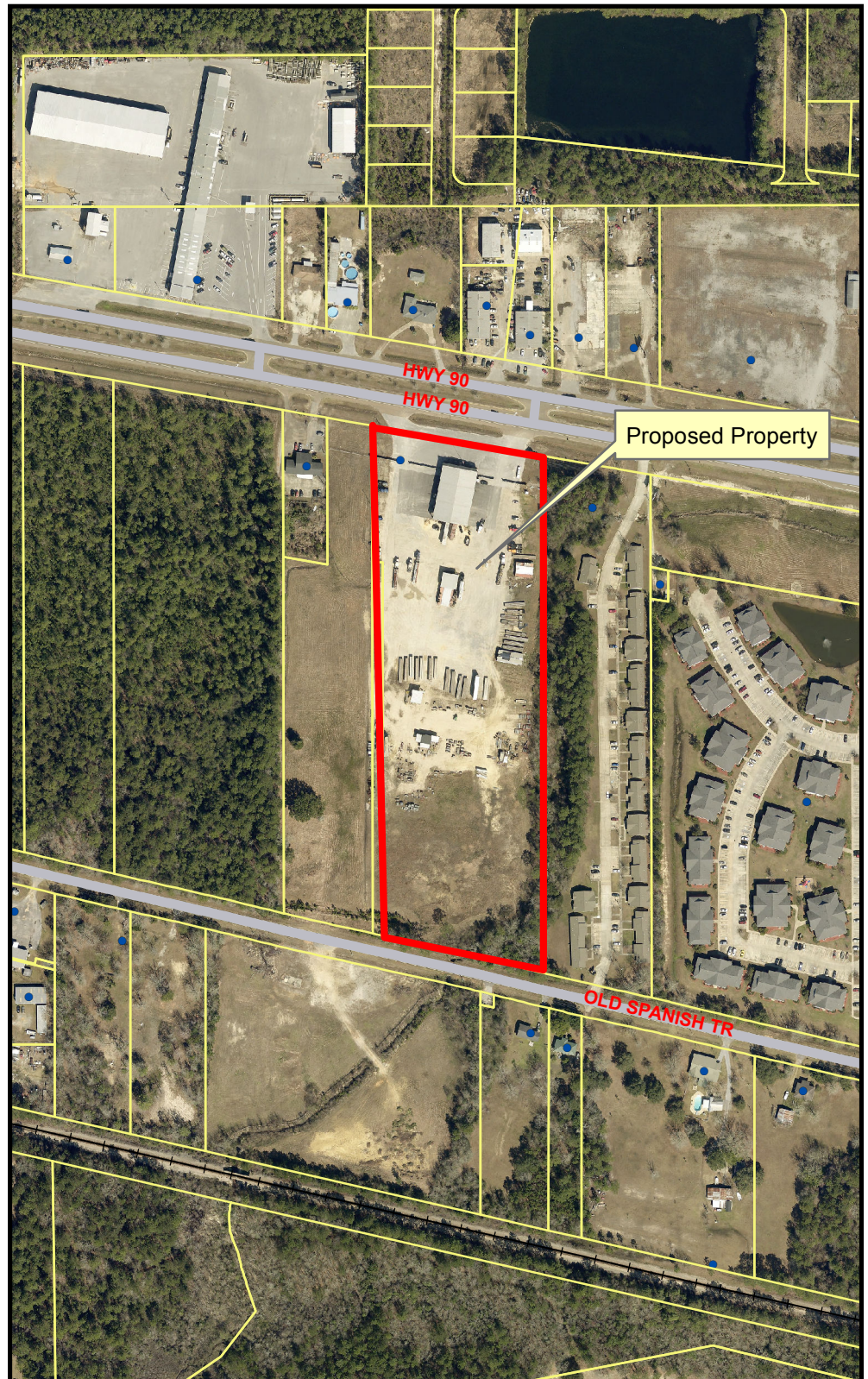
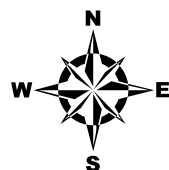


Exhibit B Existing Zoning Map

City Of Gautier
Planning Department



Prepared by the
City of Gautier
Planning Department

Legend

<all other values>

ZONECODE

- AG
- C-1
- C-2
- C-3
- I-2
- MURC-1
- MURC-2
- MURC-MW
- PL
- PUD
- R-1
- R-2
- R-3
- RE
- TC

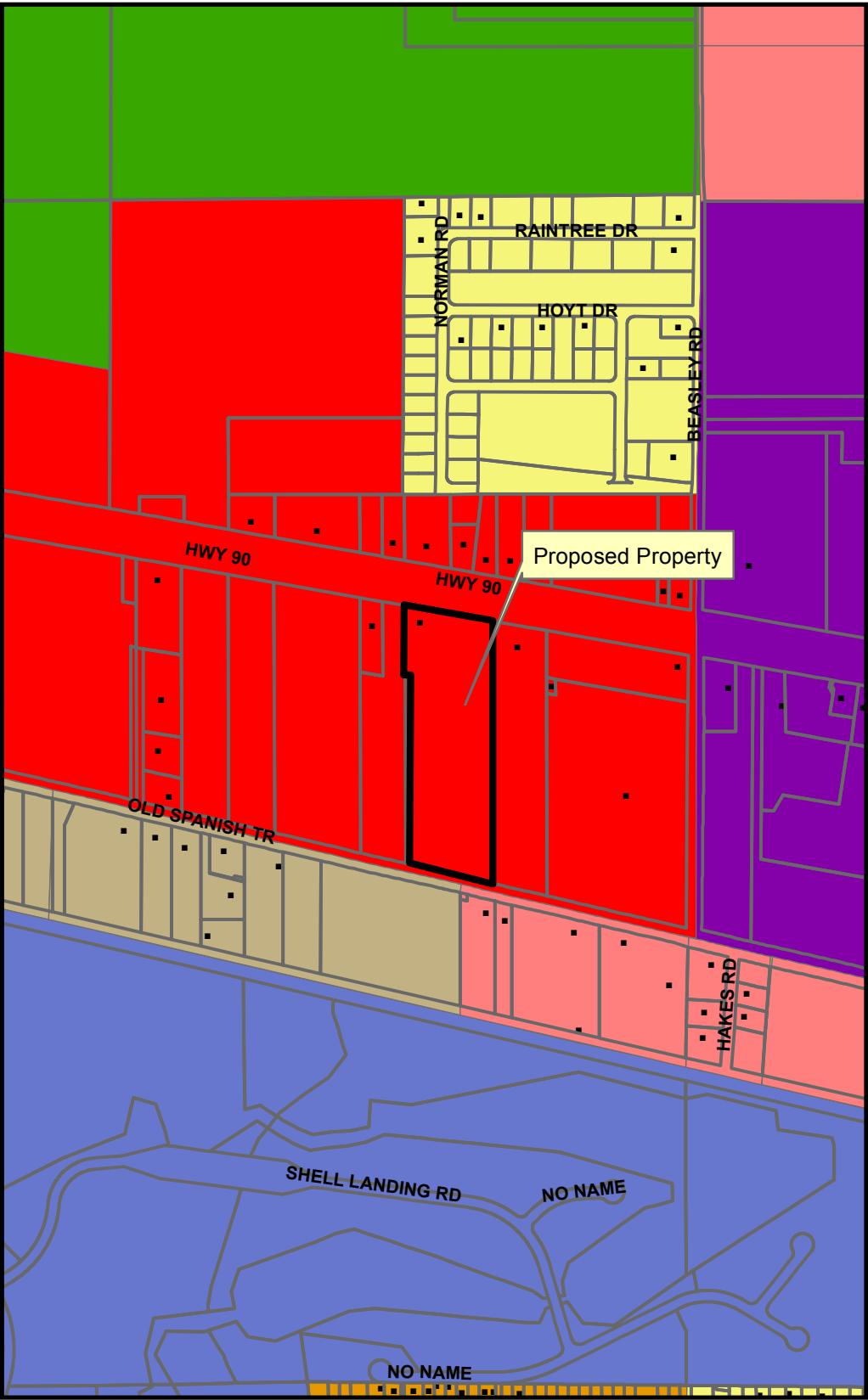


Exhibit C

Existing Land Use Map

City Of Gautier
Planning Department



Prepared by the
City of Gautier
Planning Department

Legend

- Gautier_Parcels_Trimmed_0617
- City_Limits

EXISTING LAND USE

- Commercial-Retail
- Conservation
- Civic
- Industrial
- Marina/Fish Camps
- High Density Residential
- Mobile Home
- Mobile Home Park
- Medium Density Residential
- Office
- Recreation
- Very Low to Low Density Residential
- Utility
- Vacant

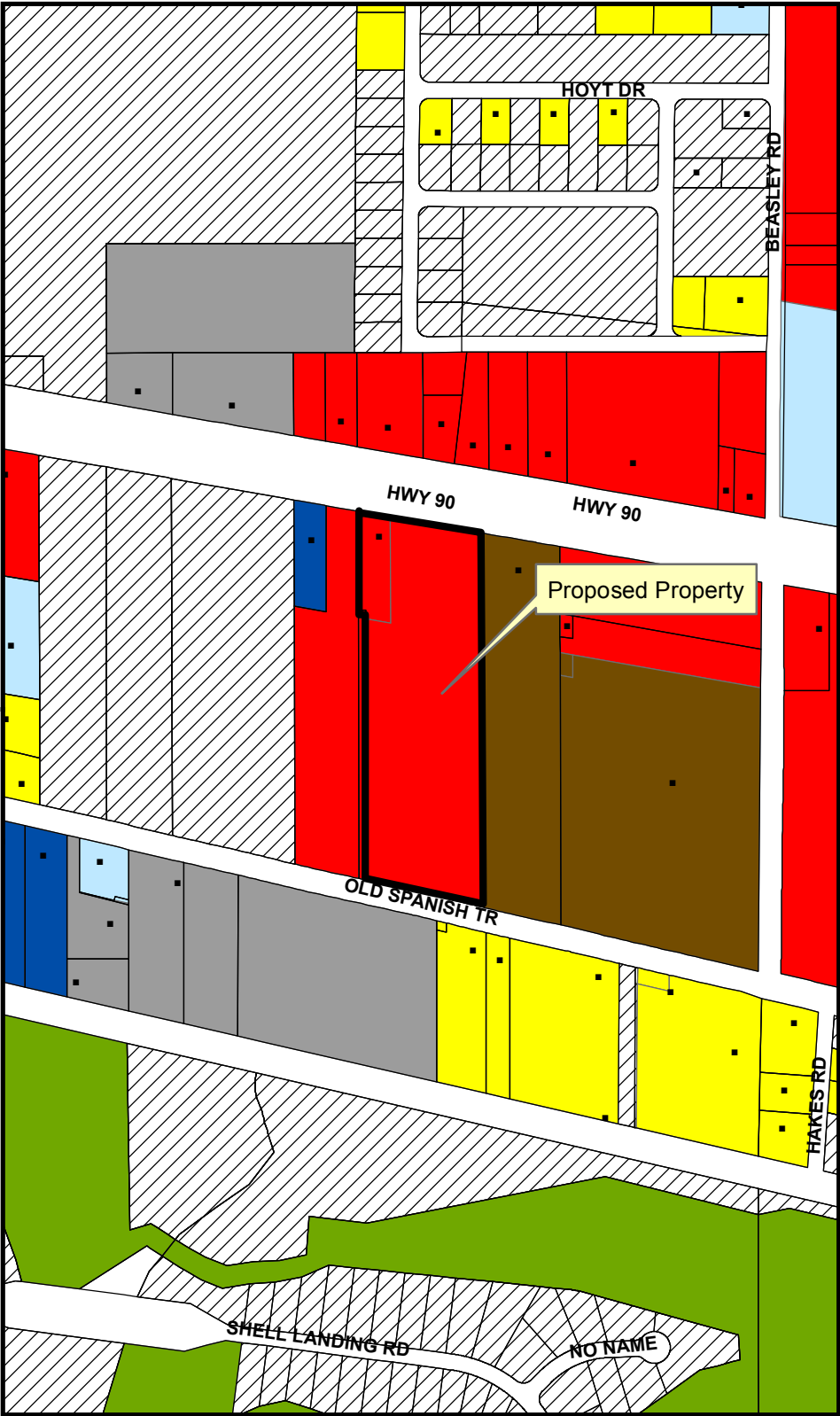
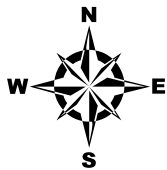
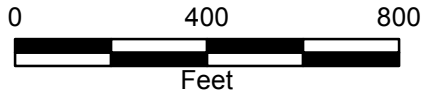


Exhibit D Future Land Use Map

City Of Gautier
Planning Department



Prepared by the
City of Gautier
Planning Department

Legend

FUTURE LAND USE

FLU_Class

- Civic
- high impact commercial
- Conservation
- High Density Residential
- Industrial
- Low Density Residential
- Medium Density Residential
- Mobile Home Residential
- low impact Commercial
- Recreational
- recreational commercial
- Regional Scale Commercial
- mixed use residential
- Town Center
- Very Low Density Residential

